

UNITED STATES FEDERAL COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERK'S OFFICE
JAN 22 2016
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANDRE BISASOR,
Plaintiff,

v.

DANSLAV SLAVENSKOJ, ET AL,
Defendants.

ORIGINAL CIVIL DOCKET NO. IN
SUFFOLK SUPERIOR COURT:
14-3606C

NOTICE OF REMOVAL FROM STATE COURT TO FEDERAL COURT

Pursuant to 28 U.S.C. §§ 1441 and 1452, I Andre Bisasor the Plaintiff in the above-captioned case hereby give notice and remove this case to the United States District Court for the District of Massachusetts from the Suffolk Superior Court of Massachusetts. I respectfully submit the following grounds for removal:

In support of this Notice of Removal, I state as follows:

1. [NB: I am pro se at this juncture and it is my understanding that all my statements and requests should be construed liberally and interpreted in a light most favorable.]
2. I commenced an action in the Suffolk Superior Court on November 18, 2014 against the defendants but the complaint was not served. An amended complaint was filed on June 18, 2014 and the amended complaint served on June 19, 2015.
3. Venue is proper in this Court because the State Court Action is pending in Massachusetts. See 28 U.S.C. § 1441(a).

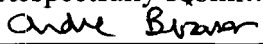
Basis for Removal

4. I hereby remove the Action to this Court on two separate, independently sufficient bases:
 - a) Under 28 U.S.C. § 1452, because the Action arises under the United States Bankruptcy Code (the "Bankruptcy Code"), and relates to a case under the Bankruptcy Code, as contemplated by 28 U.S.C. § 1334(b):
 - a. Removal of the Action is proper pursuant to 28 U.S.C. § 1452 because the Action "arises under" the Bankruptcy Code, and therefore this Court has original jurisdiction over Plaintiff's claims under 28 U.S.C. § 1334(b).
 - b. The Action is also removable because it "relates to" a case under the Bankruptcy Code. Plaintiff is a chapter 7 debtor in

the bankruptcy court pursuant to the Bankruptcy Code. Thus, Section 1334(b)'s "related to" standard is satisfied here.

- b) Under 28 U.S.C. § 1441(b), because the case arises under federal law, as contemplated by 28 U.S.C. § 1331; This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332. Further, this matter is one that may be removed to this Court pursuant to 28 U.S.C. § 1441 because it involves a civil action that involves a federal question i.e. regardless of the citizenship of the parties.
 - a. I have brought claims under federal and state law.
 - b. In addition, removal of this Action is proper under 28 U.S.C. § 1441(b) because this Court has federal question jurisdiction over Plaintiff's claims under 28 U.S.C. § 1331.
 - c. This Action arises under the laws of the United States because the Plaintiff has brought claims arising from Federal discrimination and retaliation laws as well as under Title IX among other federal statutes.
- c) Given the federal question, this Court has jurisdiction over the causes of action and claims asserted in the State Court Action pursuant to 28 U.S.C. § 1332, and this action properly is removable pursuant to 28 U.S.C. § 1441.
- d) With respect to bankruptcy jurisdiction, Plaintiff's claims are statutorily "non-core."
- e) Plaintiff does not consent to entry of final orders or judgment by a bankruptcy court and reserve all rights that the case should proceed in district court rather than bankruptcy court.
- f) Accordingly, this Court has both bankruptcy and federal question jurisdiction—over the Action.
- g) This Notice is being filed within 90 days of January 6, 2016, the date that the bankruptcy court entered an order of relief pursuant to a chapter 7 filing by Plaintiff.
- h) Thus, this Notice is timely pursuant to 28 U.S.C. § 1446(b) (and Fed. R. Bankr. P. 9027). A copy of this Notice will be promptly served on opposing counsel and filed with the Suffolk Superior Court
- i) This Notice is properly filed in this Court, the United States District Court for the District of Massachusetts, as the district and division within which Plaintiff filed the underlying state court action.

Wherefore, the action now pending before Suffolk Superior Court is to be removed to this Court.

Respectfully submitted,

Plaintiff Andre Bisasor
119 Drum Hill Rd, #233
Chelmsford MA
781-492-5675

Dated: January 22, 2016